



THE COMMONWEALTH OF MASSACHUSETTS
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September 22, 2005

Sent via email, hand delivery and/or U.S. mail

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Bay State Gas Company, DTE 05-27

Dear Secretary Cottrell:

This letter is in response to the appeal by Bay State Gas Company ("Company") of the briefing schedule and request extend its deadline for filing the Company's reply brief from Friday, September 30, 2005 to Monday, October 3, 2005 or require the Intervenor to file their reply briefs electronically on Saturday, September 24, 2005, and in hard copy on Monday, September 26, 2005. The Department should deny the Company's request as untimely because the time for challenging the briefing schedule has long past.

The Department set the briefing schedule on June 10, 2005, which reflected briefing deadlines for the Intervenor on September 24, 2005, and for the Company on September 28, 2005. The Department has repeated that briefing schedule in each of its three calendars, the most recent of which was released on July 26, 2005. In each iteration, the briefing schedule has remained constant and the Company has not challenged the deadline for filing its reply brief. The deadline for appealing the Department's briefing schedule terminated on June 15, 2005, as stated in the Hearing Officer's June 10, 2005 Memorandum.

The September 19, 2005 hearing officer memorandum served merely to clarify the Intervenor's Saturday, September 24, 2005 briefing deadline because under the Department's rules, deadlines that fall on a Saturday, Sunday or holiday carry over to the next business day, which is September 26.¹ The Attorney General has been relying upon the Department's long-

¹ 220 C.M.R. § 1.02(4) Computation of Time. Computation of any period of time referred to in 220 C.M.R. 1.00 shall begin with the first day following that on which the act which initiates such period of time occurs. **The last day of the period so computed is to be included unless it is a day on which the office of the Department is closed, in which event the period shall run until the end of the next following business day.** When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five days or less, the said Saturdays, Sundays and legal holidays shall be

standing briefing schedule and rules on weekend scheduling in preparing his reply brief. The Department has already voluntarily extended the Company's reply deadline from September 28 to September 30. The Company's current appeal is baseless. For these reasons, the Department should deny the Company's appeal.

Sincerely,

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KJR/kr

Enc.

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excluded from the computation; otherwise, such days shall be included in the computation.